

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34004 of 2008
KUSUR YADAV
Versus
STATE OF BIHAR

02- 26.8.2008 Heard Mr. Mukul Prasad for the petitioner, and Mr. Rabindra Prasad, learned APP. The sole petitioner seeks bail in Paraiya PS Case No.41/02 vide GR No.1281/02, registered under Section 302 of the Indian Penal Code read with Section 27 of the Arms Act. Learned counsel for the petitioner submits that no overt act has been alleged against him in the F.I.R. He submits that he is in custody since 3.7.2008.

2. Learned APP opposes the prayer for bail. He submits that, according to the FIR, the informant along with his younger brothers including Ram Pravesh Yadav deceased were supervising the road construction work. Dr. Vinod Kumar Yadavendu, local MLA, suddenly appeared there along with 50 persons and asked the informant and others to stop the work who refused to obey the same. Consequently Dr. Vinod Kumar Yadavendu gave orders to shoot. Vijay Yadav shot fire from his country-made pistol upon the brother of the informant who died on the spot. It is further stated in the FIR that the petitioner had taken position with his own gun. He, therefore, submits that the entire body of the accused persons in such big numbers had gone there variously armed and the petitioner was very active.

3. In the facts and circumstances of the case, on consideration of the submissions of learned counsel for the parties,

and on a perusal of the materials on record, I am not inclined to grant bail to the petitioner. The application is accordingly rejected.

(S K Katriar)

mrl

